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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/602,532

06/24/2003

Philip James Jenkinson

4398-239

1755

23117

7590

12/22/2004

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EXAMINER

NASRI, JAVAID H

ART UNIT

PAPER NUMBER

2839

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/602,532	<b>Applicant(s)</b> JENKINSON ET AL.	
	<b>Examiner</b> Javaid Nasri	<b>Art Unit</b> 2839	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Hatanaka (5,017,149, cited in previous office action).

Hatanaka discloses, **for claim 1**, a plug (20); a socket (10) to interface with the plug; and a retaining clip (12), wherein the plug includes a lug (22) and the retaining clip includes a lug engaging mechanism (12c) **adapted** (see note below) to disengage at a predetermined release force applied to the plug, **for claim 2**, the plug is configured to disconnect from the socket at a predetermined release force and wherein the plug retaining assembly is re-configurable so that after the plug has disconnected due to being subjected to at least the release force, the plug may be reconnected to the socket and remain connected to the socket until again subjected to the release force, **for claim 3**, in use, the plug is disconnectable from the socket by application of a withdrawal force that is substantially less than the release force required to disconnect the plug from the socket when the retaining clip is used, **for claim 4**, providing the plug retaining assembly with a plug, a socket to interface with the plug, and a retaining clip, wherein the plug includes a lug and the retaining clip includes a lug engaging mechanism having a wedge angle (when the clip rotates, see figure 5) **adapted** (see note below) to disengage at a predetermined

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release force (any force could be a predetermined force); and selecting the wedge angle in accordance with the predetermined release force (any force could be a predetermined force), **for claim 5**, configuring the plug retaining assembly to allow the plug to disconnect from the socket at a predetermined release force and to include the ability to reconfigure the plug retaining assembly so that after the plug has disconnected due to being subjected to at least the release force, the plug may be reconnected to the socket and remain connected to the socket until again subjected to the release force, **for claim 6**, configuring the plug retaining assembly to include the ability for a user to disconnect the plug from the socket by application of a withdrawal force that is substantially less than the release force required to disconnect the plug from the socket when the retaining clip is used, **for claim 7**, providing the retaining assembly with a plug, a socket to interface with the plug, and a retaining clip, wherein the plug includes a lug and the retaining clip includes a lug engaging mechanism having a wedge angle **adapted** (see note below) to disengage at a predetermined release force; and selecting the resilience of the retaining clip in accordance with the predetermined release force (any force could be a predetermined force), **for claim 8**, configuring the plug retaining assembly to allow the plug to disconnect from the socket at a predetermined release force and to include the ability to reconfigure the plug retaining assembly so that after the plug has disconnected due to being subjected to at least the release force, the plug may be reconnected to the socket and retain connected to the socket until again subjected to the release force, **for claim 9**, configuring the plug retaining assembly to include the ability for a user to disconnect the plug from the socket by application of a withdrawal force that is substantially less than the release force required to disconnect the plug from the socket when the retaining clip is used.

**Note:** It has been held that the recitation that an element is “adapted to” perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In re Hutchison, 69 USPQ 138.

3. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Morgenrath (4,690,476, cited in previous office action).

Morgenrath discloses, **for claim 1**, a plug (see figures 3, 4); a socket (see figures 3, 4) to interface with the plug; and a retaining clip (58), wherein the plug includes a lug (42) and the retaining clip includes a lug engaging mechanism (64) **adapted** (see note below) to disengage at a predetermined release force applied to the plug, **for claim 2**, the plug is configured to disconnect from the socket at a predetermined release force and wherein the plug retaining assembly is re-configurable so that after the plug has disconnected due to being subjected to at least the release force, the plug may be reconnected to the socket and remain connected to the socket until again subjected to the release force, **for claim 3**, in use, the plug is disconnectable from the socket by application of a withdrawal force that is substantially less than the release force required to disconnect the plug from the socket when the retaining clip is used, **for claim 4**, providing the plug retaining assembly with a plug, a socket to interface with the plug, and a retaining clip, wherein the plug includes a lug and the retaining clip includes a lug engaging mechanism having a wedge angle (see figures 4, 5) **adapted** (see note below) to disengage at a predetermined release force (any force could be a predetermined force); and selecting the wedge angle in accordance with the predetermined release force (any force could be a predetermined force), **for claim 5**, configuring the plug retaining assembly to allow the plug to disconnect from the socket at a predetermined release force and to include the ability to reconfigure the plug

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retaining assembly so that after the plug has disconnected due to being subjected to at least the release force, the plug may be reconnected to the socket and remain connected to the socket until again subjected to the release force, **for claim 6**, configuring the plug retaining assembly to include the ability for a user to disconnect the plug from the socket by application of a withdrawal force that is substantially less than the release force required to disconnect the plug from the socket when the retaining clip is used, **for claim 7**, providing the retaining assembly with a plug, a socket to interface with the plug, and a retaining clip, wherein the plug includes a lug and the retaining clip includes a lug engaging mechanism having a wedge angle **adapted** (see note below) to disengage at a predetermined release force; and selecting the resilience of the retaining clip in accordance with the predetermined release force (any force could be a predetermined force), **for claim 8**, configuring the plug retaining assembly to allow the plug to disconnect from the socket at a predetermined release force and to include the ability to reconfigure the plug retaining assembly so that after the plug has disconnected due to being subjected to at least the release force, the plug may be reconnected to the socket and retain connected to the socket until again subjected to the release force, **for claim 9**, configuring the plug retaining assembly to include the ability for a user to disconnect the plug from the socket by application of a withdrawal force that is substantially less than the release force required to disconnect the plug from the socket when the retaining clip is used.

**Note:** It has been held that the recitation that an element is “adapted to” perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In re Hutchison, 69 USPQ 138.

***Response to Arguments***

4. Applicant's arguments filed 10/22/2004 have been fully considered but they are not persuasive.

Regarding applicant's comments:

- a) Neither Hatanaka nor Morgenrath teaches or suggests **adapted** to disengage at a predetermined force applied to the plug. It should be noted that regarding **adapted** it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In re Hutchison, 69 USPQ 138.
- b) Regarding comments on rejection of claims 4 and 7, see explanation in the rejection above.

*A telephone call was made to attorney Paul T. Bowen to discuss the amendment and the final rejection, but no contact was made being him out of town for sometimes.*

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javaid Nasri whose telephone number is 571 272 2095. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tulsidas C. Patel can be reached on 571 272 2800 ext 39. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Any correspondence to this action may be mailed to:**

**Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450**



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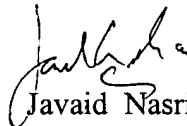
For additional information regarding this new address, which was effective May 1, 2003, see *Correspondence with the United States Patent and Trademark Office*, 68 Fed. Reg. 14332 (March 25, 2003).

**Or faxed to:** 703-308-7722 or 308-7724 (informal or draft communications should be clearly labeled "PROPOSED" or "DRAFT")

**Hand-delivered responses should be brought to:**

**Crystal Plaza 4, Fourth Floor (receptionist)**

**2201 South Clark Place, Arlington, Virginia**

  
Javaid Nasri  
Primary Examiner  
Art Unit 2839



jhn

December 16, 2004